

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

|                                 |   |  |
|---------------------------------|---|--|
| <b>UNITED STATES OF AMERICA</b> | ) |  |
| <b>vs.</b>                      | ) | <b>CRIMINAL ACTION NO. 10-00222-KD</b> |
| <b>JOSEPH EDGAR HEMPFLENG,</b>  | ) |  |
| <b>Defendant.</b>               | ) |  |

**ORDER**

This action is before the Court on defendant Joseph Edgar Hempfleng's motion for investigative services (doc. 106). Hempfleng states that as a component of his indictment, he is charged with the death of Travis A. Margetta which has enhanced his penalty. Hempfleng argues that he has obtained some discovery in regard to Margetta's death but is in need of investigative services to investigate the death in order to rebut the sentencing enhancement. The docket indicates that Hempfleng was financially unable to obtain counsel and counsel was appointed (doc. 93).

A defendant who is financially unable to obtain expert services necessary for adequate representation may file an *ex parte* application for those services to be provided at the United States' expense. In that regard, 18 U.S.C. § 3006A(e)(1) provides as follows:

(1) Upon request.-- Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate representation may request them in an *ex parte* application. Upon finding, after appropriate inquiry in an *ex parte* proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate judge if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

18 U.S.C. § 3006A(e)(1).

Upon consideration, the undersigned finds that the services of an investigator are

necessary for adequate representation and that Hempfleng is financially unable to obtain the expert services. Accordingly, Hempfleng's request for appointment of an investigator is **GRANTED** and Hempfleng is approved to expend up to **\$2,400.00** for the services. See 18 U.S.C. § 3006A(e)(3) (Compensation shall not exceed \$2,400.00 unless certified by the court and approved by the chief judge of the circuit).

**DONE** and **ORDERED** this November 2, 2010.

s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**